

REMARKS

The present amendment is submitted in response to the Office Action dated June 26, 2007, which set a three-month period for response, making a response due by September 26, 2007.

Claims 1-11 and 13-17 are pending in this application.

In the Office Action, the Applicants were reminded that no translation of the Swiss document cited in the IDS had been received. Claim 15 was objected to for an informality. Claims 16 and 17 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-8, 10, and 12-17 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,099,160 to Strözel et al. Claims 1-9 and 11-17 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,775,385 to Modrey. Claims 9 and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Strözel et al in view of U.S. Patent No. 2,976,436 to Anton. Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Modrey.

Turning first to the objection to the IDS, the Applicants will file a certified translation of the cited Swiss document.

In the present amendment, to address the noted formal objections, claim 15 was amended to correct the typographical error. Claim 16 was amended to depend from claim 9, rather than claim 1.

To more clearly define the invention over the cited references, claim 1 was amended to add the feature of original claim 12, specifically, that the at least one

cooling conduit is “separated from the housing (10) by means of an additional casing (38)”. Claim 12 has been canceled.

The Applicants respectfully submit that the claims as amended are neither anticipated nor made obvious by the cited references.

Strözel et al disclose a driven hand guided machine, namely, an angle grinder (10), which has ventilation slots (30) on the front side of a housing (12). A inflowing, cooling air flow (32) moves through the ventilation slots (30) into the interior of the angle grinder (10) and flows there into ventilation channels (34) of the stator 27 (see Strözel, drawings as well as col. 2, lines 66 through column 3, line 6).

The Examiner argues that the entire end cap to the right of the housing (12) is a “nozzle”. The Applicants respectfully disagree with this conclusion, because a nozzle is defined to be a small pipe/duct which can be attached or screwed to something to form an opening for a liquid or gaseous medium, whereby the term "small" should be interpreted in relation to the dimension of the base unit to which it is fixed. In the context of a hand power tool such as the grinder (10) presented in Strözel et al, the person skilled in the art will recognize at first glance that the end cap of the grinder cannot be interpreted as a "nozzle", since the end cap, as it should be for a housing element, is as large as one third of the whole angle grinder. The person skilled in the art will indeed see that this end cap, if used as nozzle, would be over-dimensioned with regard to an application by an angle grinder, so that an interpretation of the end cap as a nozzle is meaningless.

Now turning to the function of a nozzle, a nozzle controls the characteristics of a fluid flow, according to the definition of the term “nozzle”. A nozzle encloses a space to provide an unhindered flowing of the fluid. Thus, a nozzle should enclose a

space which is free of elements having no function related to the control of the flow. The end cap of the grinder has the function of a housing, i.e. covering and protecting internal elements of the grinder as can be seen in the figure. According to the functional definition of a nozzle above and the functional definition of a housing, a housing element can per se in no way be seen as a nozzle, since it lacks the requirements to fulfill the function of a nozzle. Indeed, the end cap encloses a space, in which internal elements of the grinder are placed, such as the bearing (22) for example, which are obstacles to the cooling air and do not have any function relating to control of the flow (32).

For the same reason, Strözel et al. lacks also the feature of claim 1, which defines that cooling air reaches the channels (34) directly and unhindered in an operating mode, since the air flow (32) is deflected for examples by screws or other components in the interior of the end cap as explained above.

Because the end cap does not demonstrate any functional properties that would support the interpretation as a nozzle, Strözel et al lacks the features that a cooling conduit is located in direct proximity to at least one intake nozzle and that said cooling conduit abuts directly with at least one intake nozzle and is closed off in the direct proximity to at least one intake nozzle from an interior of the housing. In Strözel et al, the ventilation channel (34) does not abut the ventilation slots (30), but forms an opening inside the space enclosed by the end cap.

Even if the end cap is interpreted as a nozzle, Strözel et al lacks the feature that the channel (34) directly abuts the end cap. On the contrary, the channel (34) shows a free end which defines a free opening inside the space enclosed by the end cap.

Furthermore, the ventilation channel (34) is not separated from the housing (12) by means of an additional casing. The ventilation channel (34) is arranged in the stator (27) (see Strözel col. 3, lines 9 to 12). The stator (27) is an essential component of an electric motor. Without the stator (27) the electric motor would not work. Hence, the stator cannot be seen as an additional casing. The Examiner mentioned integrated bracings which in his opinion can be seen as an additional casing. The integrated bracings are deemed to stabilize the housing (12) so that the integrated bracings - as the wording "integrated" suggests - have to be parts of the housing (12).

Therefore, amended claim 1 is not anticipated by Strözel et al.

Modrey discloses an electric power unit including an electric motor which is enclosed in a housing (13). For ventilating all parts of the motor, a ventilation channel in direct proximity to the inlet opening in the cable (16) is formed within the housing (12). The ventilation channel is a part of the interior of the housing (13) because it is formed within the housing (13). Especially in the intake area, the ventilation channel is part of the interior of the housing (13). Therefore, Modrey lacks the feature that a cooling conduit is closed off in direct proximity to at least one intake nozzle from an interior of the housing (13).

This channel is integrally formed in the same housing (13) as the motor (see Modrey, Fig. 1 and col. 2, lines 55 to 59). Thus, Modrey lacks also the feature that the cooling conduit is separated from the housing (13) by means of an additional casing.

Therefore, amended claim 1 also is not anticipated by Modrey.

The Applicants submit further that the present invention is not made obvious over the cited references. As discussed above, Strözel et al disclose a driven hand guided

machine with a cooling device comprising ventilation slots (30) and a ventilation channel (34) of the stator (27). The ventilation slots (30) do not abut with the ventilation channel (34) and the latter is not closed off in the proximity of the ventilation slots (30). Therefore, one skilled in the art is not provided with any teaching or suggestion which would have led him to connect the ventilation slots (30) directly with the ventilation channel (34) for a direct and unhindered inlet of cooling air. For this reason, amended claim 1 is non-obvious over Strözel.

Modrey discloses an electric power unit comprising ventilation channels (14, 15) for ventilating the interior of a housing (13). The ventilation channels (14, 15) are integrally formed with the housing (13). Therefore, the practitioner skilled in the art would not be provided with any suggestion that would have led him to separate a cooling conduit from a housing by means of an additional casing. Therefore, the present invention as recited in amended claim 1 can be considered non-obvious over Modrey.

Both Strözel and Modrey lack the feature of an additional casing for separating a cooling conduit from the housing. This feature of the present invention has the advantage that the cooling conduit can easily be integrated in all kind of power tools. In the industry of today the modular concept is widely spread and through such a construction as defined in the present invention a broad field of use is available. Therefore, time and money can be saved in the development by this construction.

Also a combination of the two references discussed above would not have led a person skilled in the art to the invention as defined in amended claim 1.

For the reasons set forth above, the Applicants respectfully submit that claims 1-11 and 13-17 are patentable over the cited art. The Applicants further request withdrawal of the rejections and reconsideration of the claims as herein amended.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Striker', with a long horizontal flourish extending to the right.

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